



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Anthony Ippolito, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Jonathan Parker

**Meeting Minutes
April 8, 2015**

The meeting was called to order by Steve Deackoff, Clerk at 7:00 p.m. at the Pike House (temporary town hall). In attendance were Dennis Sheehan and Jonathan Parker. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Anthony Ippolito and Carolina Linder were not in attendance.

Approval of Meeting Minutes – March 4, 2015 and March 18, 2015

MOTION: Mr. Parker made the motion to approve the March 4, 2015 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Parker made the motion to approve the March 18, 2015 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 3-0.

A) Notice of Intent, Patricia Basteri, 3 Radcliff Road, Map 52, Lot 5, DEP#305-984

Present was Patrick McCarty of McCarty Engineering, Leominster, MA, and Michael Basteri on behalf of Mass AV. Mr. McCarty explained that they met with the Planning Board this past Monday. The Planning Board approved the site plan special permit project subject to the town engineer and himself working out some small details. The applicant has drafted a response letter to all of the inter departmental comments that were received; which includes providing emergency contact numbers to the police, fire protection and information for the fire department, Board of Health regarding the dumpster, storm water and site plan review with the town engineer, etc.

Mr. McCarty noted that as a result of some of the concerns expressed by the Commission at the previous meeting they have installed a total of 6 signs every 60 feet that are approximately 12 inches tall and 18 inches wide stating not to push snow past the curb line in those areas as it is a conservation area. As well as made revisions to 17 of the 20 parking spaces and the proposed dumpster location, and submitted a figure to the planning department that shows a tractor trailer navigating the site. Mr. Hardiman had questions on the size of the spaces and why some of them were so large. Mr. McCarty explained that this is because of the fleet of company vehicles owned by Mass AV. Mr. McCarty noted that they have also have incorporated a dumpster as they had

inadvertently not included this on the plan. Mr. McCarty showed the location of the dumpster on the plan.

Mr. McCarty explained that they have also researched the removal of the beaver dam further. The Division of Fishery and Wildlife stated that since the beavers have already been trapped and removed, the removal of the dam is at the discretion of the Conservation Commission.

Mr. McCarty noted that DEP also issued comments and he spoke with Nancy White at DEP relative to the storm water. Ms. White had asked why the impervious surface is not being reduced even further and Mr. McCarty explained that they have provided for 97 parking spaces under an office space use which requires 100 spaces. Mr. McCarty noted that all of DEP comments have been addressed.

Mr. Deackoff noted that the Commission is in receipt of a review letter dated March 16, 2015 from Weston & Sampson and there are still some items that appear to remain outstanding. Mr. McCarty noted that he has not received this correspondence and Mr. Boyd provided him with a copy. Mr. McCarty reviewed the letter and noted that a DEP number has been issued and the 3 catch basin replacements are the only dewatering issues. This work would likely be done in July and August when it is driest. Mr. McCarty noted that his company are also design builders and will be taking the project from start to finish including the dewatering. Mr. McCarty referenced the Echo Tech Wetland evaluation and review which state that there are no outstanding water issues. Mr. McCarty suggested the dewatering be a special condition should the Commission grant approval. Mr. McCarthy noted that he is also aware that they have to do the SWPPP (Storm Water Pollution Prevention Plan) Permit and would be amendable to a condition that they provide this information. Mr. McCarty noted that he will be addressing the SWPPP himself.

Mr. Deackoff opened the hearing to the public and no one came forward.

MOTION: Mr. Deackoff made the motion to close the public hearing portion; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Parker made the motion to approve Notice of Intent, Patricia Basteri, 3 Radcliff Road, Map 52, Lot 5, DEP# 305-984, Standard Order of Conditions, a Storm Water Pollution Prevention Plan (SWPPP) and dewatering plan shall be provided to Mr. Boyd prior to construction beginning; seconded by Mr. Sheehan and the motion carried 3-0.

B) Notice of Intent, KAJ LLC, 731 Livingston Street and 10, 20, 30 Eddie's Way, Map 76, Lots 24, 57, 23, and 58, DEP #305-985

The applicant has requested to continue this matter.

MOTION: Mr. Parker made the motion to continue Notice of Intent, KAJ LLC, 731 Livingston Street and 10, 20, 30 Eddie's Way, Map 76, Lots 24, 57, 23, and 58, DEP #305-985 to April 22, 2015 at 7:02 p.m.; seconded by Mr. Sheehan and the motion carried 3-0.

C) Land Donation, 2000 Whipple Road Abutting Parcel, Shawsheen Watershed Association

Mr. Boyd noted that he spoke with Bob Rauseo of the Shawsheen Watershed Association today. Mr. Rauseo reviewed the deed that was drafted by Town Counsel and had some minor revisions. As a result, the matter is not yet ready to be voted on. The deed is expected to be finalized for the next meeting on April 22, 2015.

MOTION: Mr. Parker made the motion to continue Land Donation, 2000 Whipple Road Abutting Parcel, Shawsheen Watershed Association, to April 22, 2015; seconded by Mr. Sheehan and the motion carried 3-0.

D) Notice of Intent, Paul Grant, 832 & 836 North Street, Map 52, Lots 1 & 54, DEP#

Present was Phil Cordero and Chris McCarthy of Allen & Major Associates, Inc. Mr. Cordero noted that they met with the Planning Board on Monday for a Site Plan Special Permit. The proposal is for the revitalization of the existing facility to increase the tenant occupancy rate. As a result, they would like to make some modifications to enhance the visual appeal of the building including the main site driveway, reconfiguration of parking, and increasing landscaping and site lighting throughout the site. The Planning Board approved the matter.

Mr. Cordero explained that they met with the Commission several months ago for an ANRAD and some of the work they are proposing is within the 100 foot buffer zone. The primary part of the work will be a reconfiguration of the main site driveway by widening the roadway and introducing a 12 foot wide landscaped median strip. The goal of the median is to effectively screen the 500 foot power easement that crosses the property to obscure some of the high tension power lines. Mr. Cordero explained that there is an existing culvert that runs under the road that picks up drainage from Route 495 and drains out to the wetland on the property. There will be a widening; however, it will in no way encroach upon the 25 foot no disturb. Mr. Cordero noted that the area is previously disturbed from the original construction of the Wang facility some years ago. As a result, they have classified the project as a redevelopment since the shoulder area is already disturbed. To account for the widening and to handle the storm water runoff, they are proposing a country drain system along the main entryways. There will be sheet flow off the pavement into a pea stone filter strip and a water quality swale that will drain

parallel to the roadways and into a plunge pool water quality infiltration unit. Once the pool fills up, the water will lip over the edge and drain into the natural water course it takes under the culvert. Mr. Cordero noted that they are proposing plunge pools on both the northerly and southerly side of the roadway. Mr. Cordero explained that they wanted a low impact to the drainage along the front side and they would like to keep it as green as possible by minimizing structures as much as possible. Once you get beyond the main driveway, the roadway widening will have a traditional curb/gutter system and storm water management system. Mr. Cordero explained that the property was constructed some years ago and the storm water collection system is a variety of applications and is a "Hodge Podge" at best; there are not many catch basins and the ones that are in place are relatively ineffective. The application for the site plan special permit that was approved is a full storm water system to be constructed through the spine of the roadway, picking up the reconfigured parking spots on the northerly side, and running down to a closed drainage system. The entry point would be catch basins with deep sumps and hoods. Once routed down to the rear of the property, there will be a proprietary storm scepter water quality (ST900) unit that will provide the TSS removal just prior to a retention basin that will be on site. The retention basin will have the ability to infiltrate storm water to recharge a certain percentage of the parking facility through the basin to meet the storm water criteria under a redevelopment. The storm water regulations require that they meet the standards to the extent practicable, but that they provide an improvement to the existing conditions. Mr. Cordero explained that currently there is very little storm water control and they will be installing a Class A system that they feel will greatly improve the storm water. Mr. Cordero noted that they are not tearing up the entire site so they are unable to install additional underground systems and they are restricted by the 500 foot National Grid power easement. Approval is need by National Grid for the work to ensure the work they are doing is not impeding their ability to access their high tension lines for maintenance, etc. They have worked to keep all of the storm water management systems outside of the power line easement and outside of the wetland easement to the extent possible.

Mr. Cordero noted that as part of the project they would also like to clean up the rear of the property. There is an existing fire pond that is no longer in use and they would like to utilize this area as a sitting area for tenants by removing the existing fence around the pond and clearing the vegetation that has grown around the fence. Mr. Cordero explained that the reason that this is jurisdictional is there is some drainage runoff from the 495 corridor that has created a small pocket of bordering vegetated wetlands that was reviewed under the ANDRAD process. The water runs around the pond through the bordering vegetated wetlands and into a culverted pipe system and discharges to the westerly part of the site. Mr. Cordero explained that there are also some concrete structures associated with the fire pond that they would like to open, back fill, and cut it down to grade and loom and seed on top. There are two secondary structures in the rear that they would also like to remove.

Mr. Cordero noted that they did receive some feedback from the town engineer, Kevin Hardiman. Mr. Hardiman requested that they use waddles rather than hay bales; which they will do. Mr. Cordeo noted that they also received Weston & Sampson's review letter today with a few comments regarding erosion and sediment controls, etc. Mr.

Cordero noted that they would not be opposed that these items be made a condition should the Commission approve the matter.

Mr. Deackoff noted that a DEP number has not been issued. Mr. Cordero noted that he continues to check, but the website notes they are awaiting payment; however, payment has been made and the check has cleared. Mr. Cordero noted that there are six items Weston & Sampson had concerns with including snow storage areas outside the 100 foot buffer, the sewer pump station (which is on site, but not a part of this project), erosion controls, etc.

Mr. Deackoff opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Parker made the motion to continue Notice of Intent, Paul Grant, 832 & 836 North Street, Map 52, Lots 1 & 54, DEP# to April 22, 2015 at 7:05 p.m.; seconded by Mr. Sheehan and the motion carried 3-0.

E) Notice of Intent, 1390 & 1394 Main Street, Map 59, Lots 53 & 54, DEP#305-986

Present was Steve Ericksen of Norse Environmental Services. Mr. Ericksen provided the members with a copy of a plan of the site and explained that the proposal is for 14 housing units constructed within the buffer zone and a commercial building with associated parking; which are both outside the buffer zone. Mr. Ericksen explained that they meet both the 25 and 50 foot buffers and they will be directing the storm water into an underground infiltration basin. Deep sump catch basins will be used with an infiltration area and emergency overflow to the back with a rip rap outlet. Mr. Ericksen explained that with this they have 85% total suspended solid removal; exceeding the 80% that is required, and there is a reduction in the amount of runoff during the 100, 50, and 25 year storm event.

Mr. Deackoff noted that the Commission is in receipt of a review letter from an interdepartmental review. Mr. Boyd noted that the Planning Board approved the matter this past Monday night.

Mr. Deackoff opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Parker made the motion to close the public hearing portion; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Parker made the motion to approve Notice of Intent, 1390 & 1394 Main Street, Map 59, Lots 53 & 54, DEP#305-986; seconded by Mr. Sheehan and the motion carried 3-0.

F) Notice of Intent, Power Company Road, Maps 49, Lot 34, DEP#

Present was Josh Holden of National Grid, John Veira of VHB, Dan MacIntyre, Civil Engineer for National Grid, and several other members of the National Grid team.

Mr. Holden explained that this project is to replace an existing substation that is at the end of its useful life. Mr. Vieira reviewed the plan and showed the buffer zone locations and noted that the Commission approved the ANRAD for this property several months ago. The proposal is to replace the aging facilities by constructing a new facility next to the existing as the lines cannot be taken out of service for that length of time due to the number of transmission lines. The old facility will be removed once the new one has been constructed. Mr. Vieira noted that there is some infringement in two locations with fill. Mr. Vieira showed the location of the fill areas on the plan. There are also two transmissions lines that cross. In order to correct this problem, one of the transmission lines needs to be relocated resulting in a wetland encroachment. The total amount of fill is just over 1,800 square feet as well as a 26 square foot in another area. The blue area shown on the plan is forested area that would be converted to shrub; approximately 1,600 square feet. The total impacts from the project, including the temporary disturbance, is 4,100 square feet. To mitigate this, they are proposing a 2 to 1 mitigation area for the fill located to the western side of the substation. There are two ground water monitoring wells and ground water was at elevation 111. This would bring down the elevation to meet up with the wetland on the other side. They have identified plantings and are proposing to plant a variety of bushes. They plan to monitor for 3 years which would include vegetation plots to quantify cover and monitor ground water.

Mr. Vieira reviewed some of the alternative plans that have been provided with the Notice of Intent and noted that larger impacts to the wetlands would have resulted from the alternative plans and noted that there is a significant amount of reduction of impacts with the proposal as presented.

Mr. Vieira noted that another form of mitigation that was discussed was the study completed by the University of Massachusetts in which the students would run an analysis of the culverts in town to see what the benefits would be if they were repaired. A storm water summary was repaired.

Mr. MacIntyre reviewed the storm water summary and noted that the substation yards are constructed with pervious gravel and the surface is covered with crushed stone as they do not want any standing water or puddles near the high voltage equipment. Whatever rainfall falls onto the substation yard gets trapped in the crushed stone and infiltrates in with no point source discharges. The building roof runoff is collected with a gutter system that is directed into an underground storm water system that recharges the runoff. The remaining part of the storm water practices are just outside of the substations with a short entrance driveway which is country drainage that sheets off into a water quality swale leading to an infiltration basin. This is the one part of the project where they do not meet the full standards of the Storm Water Standards. Because this project is in the location of a Zone 2 of one of the town's wells, they are required to meet a total of 44% of TSS removal and they are just short of this in the mid 30's. This is the one area where they meet to maximum extent practicable. Town Engineer has reviewed the TSS removal as part of the Planning Board Site plan special permits and he did not feel there would be an impact with not meeting the 44% as the TSS generation will be low.

Mr. Boyd explained that for larger Notice of Intents he requests Weston & Sampson review the project. When Mel Higgins from Weston & Sampson visited the site there had been some substantial clearing that was done on the site in the wetland area that is outside of the scope of the Notice of Intent. An enforcement order has been issued for this. It has taken Mr. Higgins a little longer to prepare the review letter due to the clearing that had been performed. Mr. Holden explained that they would like to keep the Enforcement Order and Notice of Intent as two separate discussions as the tree work was done under forestry vegetation management. Mr. Holden noted that the clearing would have occurred regardless of the substation project as it is part of vegetation management and a proper clearance must be maintained.

Mr. Boyd explained that he met with National Grid staff regarding the vegetation management and it was agreed that he would be viewing the sites if there were wetland impacts and he was taken to various sites by John Duval's staff and this site was not included as part of that program. John Duval of National Grid came forward and explained that they met with Mr. Boyd and the town manager was separate project and was the result of homeowner concerns. There are currently four projects going on in town. Mr. Duval apologized for the misunderstanding and explained that this project started in Dracut at the New Hampshire line and worked its way down and started in November. When the tree crews arrived at the substation on March 3 he met them on site and reviewed the work specific to this location and reviewed the work to be done. He was not aware of the upcoming construction project or the permit status. Apologized for not letting him know of this project and for the other project and would like review the work that has not been done yet with Mr. Boyd. Mr. Duval explained that it is hard to justify the trees that were removed and why. Mr. Boyd explained that they are going to want to see the reasoning on why the trees were removed as from the field observations it is not obvious. Mr. Duval agreed and explained that they reviewed the work to be done and did not go tree by tree.

Mr. Deackoff asked if the other projects that are going on are part of mass permit or are continuing orders of conditions, etc. Mr. Holden explained that some of the projects are exempt maintenance projects and the vegetation management program is typically exempt as it is pruning the tree to prevent them from impacting the wires. There are reliability standards that they have to follow with regards to the trees and their distances. The Tewksbury 22A Substation project is new impact which is the reason why the Notice of Intent was filed. Mr. Deackoff asked if National Grid notifies of all vegetation clearing and Mr. Duval explained that as of July, 2014 they are now required to notify the Board of Selectmen and all town residents.

Mr. Boyd requested evidence on how they determined where the line is and what was the reasoning for some of the trees that were cleared. Mr. Duval explained that typically they go after a particular species. Mr. Duval offered to visit the site with Mr. Boyd to view what was done and to determine why it was done.

Mr. Holden asked if the Commission would consider rescinding the enforcement order if they commit to what has been discussed. Mr. Deackoff explained that this will be handled as a separate matter.

Mr. Deackoff opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Parker made the motion to continue Notice of Intent, Power Company Road, Maps 49, Lot 34, DEP# to April 22, 2015 at 7:08 p.m.; seconded by Mr. Sheehan and the motion carried 3-0.

G) Request for Certificate of Compliance, Michael and Christian Panasauk, 250 Trull Road, Map 24, Lot 47, DEP #305-968

Present was Jack Berube of 2543 Main Street, Tewksbury, MA. Mr. Deackoff noted that the Commission is in receipt of a review letter from Richard Meade.

MOTION: Mr. Parker made the motion to issue a Certificate of Compliance Michael and Christian Panasauk, 250 Trull Road, Map 24, Lot 47, DEP #305-968, reference shall be made to Middlesex North Registry of Deeds Book 28310, Page 104; seconded by Mr. Sheehan and the motion carried 3-0.

H) Request for Certificate of Compliance, Michael Hurton, 133 Lancaster Drive, Map 78, Lot 68, DEP#305-946

Present was Jack Berube of 2543 Main Street, Tewksbury, MA.

Mr. Deackoff noted that Commission is in receipt of a review letter from Richard Meade.

MOTION: Mr. Parker made the motion to issue a Certificate of Compliance, 133 Lancaster Drive, Map 78, Lot 68, DEP #305-946, reference shall be made to Middlesex North District Registry of Deed Book 26816, Page 001; seconded by Mr. Sheehan and the motion carried 3-0.

New Business

Enforcement Order – New England Power Company, 40 Sylvain Road, Waltham, MA

Present was Josh Holden of National Grid, John Veira of VHB, Dan MacIntyre, Civil Engineer for National Grid, and several other members of the National Grid team.

Mr. Boyd suggested the Commission ratify the Enforcement Order. Mr. Holden requested the Commission hold off on ratifying until Mr. Boyd makes a site visit with Mr. Duval. Mr. Deackoff suggested rescinding the Enforcement Order and issuing a new one if need be. Mr. Boyd recommended rescinding the Enforcement Order once a letter has been received from a Wetland Scientist that there is no disturbance outside of what National Grid is exempt from. Mr. Holden confirmed this. Mr. Vieira noted that typically a Wetland Scientist would not make a determination as to which trees should be cut and he would not feel comfortable doing that. Mr. Boyd requested some type of documentation on what was done. Attorney Rebecca Lacey of

Anderson & Kreuger came forward and explained that her concern is with the Enforcement Order in place is it specifically orders specific things be done such as a restoration plan and makes more sense to not ratify it the way it is currently worded and once do site visit and received documentation and if there is anything National Grid needs to do then do an order that encompasses that work rather than a restoration plan be required to be submitted for the next hearing. Attorney Lacey explained that the Enforcement Order is not fully in place until the Commission ratifies it. Mr. Deackoff suggested taking no action at this time. Mr. Boyd suggested the Commission ratify the Enforcement Order as it was written for a reason and would like evidence that work was not done outside of the vegetation management. Burden of proof to prove to the Commission that the work fell under and exemption. Attorney Lacey requested amending the enforcement order to provide documentation and explanation on the work that was done and why rather than a restoration plan.

MOTION: Mr. Deackoff made the motion to ratify and amend the enforcement order, the property owner shall show evidence that the work conducted is exempted as outlined in the Wetland Protection Act by April 22, 2015; seconded by Mr. Parker and the motion carried 3-0.

Old Business

There was no old business.

MOTION: Mr. Deackoff made the motion to adjourn; seconded by Mr. Sheehan and the motion carried 3-0.

Adjourn: 4/22/15

List of documents for 4/8/15 Agenda
Documents can be located at the Community Development Office

Approval of Meeting Minutes-March 18, 2015

- 7:02 P.M Notice of Intent, Patricia Basteri, 3 Radcliff Road, Map 52 Lot 5, DEP # 305-984
- Layouts and Materials Plan dated 3/6/15
 - Notice of Intent Packet dated 3/6/15
 - Proposed Site Plans signed and stamped by Patrick J McCarthy on 3/6/15
 - Review Letter from Mel Higgins dated 3/16/15
- 7:04 P.M Notice of Intent, KAJ LLC, 731 Livingston Street & 10, 20, 30 Eddie's Way, Map 76
Lots 24, 57, 23, and 58, DEP # 305-985
- *Site Development Plans dated 3/4/15*
 - *Pre-Development RFA exhibit dated 3/4/15*
 - *Riverfront Area Assessment 3/18/15*
 - *Notice of Intent Packet dated March, 2015*
 - *Review Letter from Mel Higgins dated 3/18/15*
- 7:06 P.M Land Donation, 2000 Whipple Road Abutting Parcel, Shawsheen Watershed Association
- *Quitclaim deed*
 - *MapsOnline print-outs depicting the area*
- 7:08 P.M Notice of Intent, Paul Grant, 832 & 836 North Street, Map 52 Lots 1 & 41, DEP #
- *Site Plans for 495 Business Center dated 3/6/15*
 - *Notice of Intent packet dated 3/20/15*
- 7:10 P.M Notice of Intent, 1390 & 1394 Main Street, Map 59 Lots 53 & 54, DEP # 305-986
- *New England Power Company NOI packet*
- 7:12 P.M Notice of Intent, Power Company Rd., Maps 49 Lot 34, DEP #
- *Notice of Intent packet dated March 2015*
- 7:14 P.M Request for Certificate of Compliance, Michael and Christian Panasauk,
250 Trull Road, Map 24 Lot 47, DEP # 305-968
- *Certificate of Compliance packet*
- 7:16 P.M Request for Certificate of Compliance, Michael Hurton, 133 Lancaster Dr, Map 78 Lot 68
DEP # 305-946
- *Certificate of Compliance packet*